

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANURAG SHANKAR,

Plaintiff,

-v-

ACCENTURE LLP,

Defendant.

21 Civ. 3045 (PAE) (OTW)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

On June 15, 2023, the Hon. Ona T. Wang, Magistrate Judge, issued an order to show cause why this case should not be dismissed for failure to prosecute following months of inaction by the plaintiff, Anurag Shankar, proceeding *pro se*. Dkt. 55. On June 16, 2023, defendant Accenture LLP served this order on Shankar. Dkt. 56. Following another months-long period of inaction by the plaintiff, Judge Wang issued a Report and Recommendation to this Court on November 3, 2023, recommending that this action be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Dkt. 57 (the “Report”). Defendant effectuated service of the report on November 17, 2023. Shankar has, to this date, not filed any objections thereto or otherwise taken action in this matter. For the following reasons, the Court adopts the Report in its entirety.

DISCUSSION

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the

record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also, e.g.*, *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Wang’s Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that “failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review,” Report at 2, plaintiff’s failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court dismisses this action without prejudice for failure to prosecute under Rule 41(b). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: January 10, 2024
New York, New York